

NASHUA POLICE DEPARTMENT



Chief of Police Michael Carignan
Main Phone: (603) 594-3500
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28 Officer James Roche Drive
Mailing Address: PO Box 785
Nashua, NH 03061-0785

January 23, 2020

To: Attorney Richard J. Lehmann
Lehmann Law Office, PLLC
3 North Spring Street, Suite 200
Concord, NH 03301

SUBJECT: RSA 91-A Request – Investigation of Laurie Ortolano

In response to your request received by the Records Division on January 16, 2020, please find the enclosed documentation:

- Report Narrative regarding the response to Laurie Ortolano's residence on September 22, 2019.
- A copy of the Call for Service – 19-63717
- Report Narrative regarding the contact with Laurie Ortolano at the Nashua Police Department Lobby on September 22, 2019.
- A copy of the Call for Service – 19-63733
- Report Narrative regarding the email sent by Laurie Ortolano on September 23, 2019 @ 0708 hours.
- Report Narrative regarding the email sent by Laurie Ortolano on September 23, 2019 @ 1047 hours.

Dates of birth, social security numbers and personal phone numbers have been redacted.

Regarding the requested investigation (19-46336-OF), the Nashua Police Department Records Division will need to properly review and make redactions. The redactions will then be reviewed by the City's legal counsel. Given the time necessary for redaction and legal review and other pending large document requests, this process should be completed no later than March 31, 2020.

In the event that you have any questions, please contact me at (603) 589-1653.

Sincerely,

A handwritten signature in cursive script that reads "David P. Lavoie".

David P. Lavoie
Records Manager

Cc: Deputy Corporation Counsel Celia K. Leonard

Nashua Police Department
2019-09-22 1634HRS ATTEMPT CONTACT W/ LAURIE ORTOLANO
Ref: 19-46336-OF

On September 22, 2019 at approximately 1634 hours Sergeant Ditullio and I responded to Laurie Ortolano's (DOB:) residence of 41 Berkley Street in an attempt to make contact with Ortolano. I was responding to this address in an attempt to provide Ortolano with a warning that members of the Nashua Assessing Department did not want to have any contact with her outside of their official duties while working within the assessing department.

This stemmed from a previous conversation I had with Lynn Cameron (DOB:) and Louise Brown (DOB:) about Cameron being confronted outside of the Assessing Office by Laurie Ortolano (DOB:). Since my previous conversation with Cameron and Brown everyone within the Nashua Assessing Department, except Cheryl Walley (DOB:) had decided that they wanted me to inform Ortolano that they did not want to have any contact with her outside of the Assessing Department Office.

Upon our arrival I was unable to make contact with Ortolano. Ortolano's husband, Michael Ortolano (DOB:) advised that she had just stepped out but he stated that he would have her contact me when she returned. Mr. Ortolano was thanked for his time and I ended my contact with him.

A call number, 19-63717 was generated for this attempt contact and was later added to this case file for case inclusion.

DETECTIVE LOMBARDI D16

For Date: 09/22/2019 - Sunday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
19-63717	1634	Initiated - DELIVER MESSAGE	UNABLE TO Deliver Message	3	

Call Taker: LEVDAN - LEVESQUE, DANIELLE
 Location/Address: 41 BERKELEY ST
 Initiated By: DITCHR - DITULLIO, CHRISTOPHER
 Party Entered By: 09/22/2019 1906 LOMFRA - LOMBARDI, FRANK
 Involved Party: ORTOLANO, LAURIE A @ 41 BERKELEY ST - NASHUA, NH 03060
 SSN: DOB: Race: W Sex: F
 ID: DITCHR - DITULLIO, CHRISTOPHER
 ID: LOMFRA - LOMBARDI, FRANK
 Narrative: 09/22/2019 1906 LOMBARDI, FRANK
 unable to make contact with Laurie Ortolano at that time. A
 message was left with her husband.

2019-09-22 1643HRS WARN LAURIE ORTOLANO

Ref: 19-46336-OF

On September 22, 2019 at approximately 1643 hours I received a voicemail from Laurie Ortolano (DOB:) stating that she had received the message I had left with her husband. At approximately the same time I received an email from Ortolano telling me that she had just left a message for me. A copy of this email was later added to this case file for case inclusion.

At approximately 1651 hours I called Ortolano and informed her that I was looking to speak with her in person for a few minutes. Ortolano advised that she was near the Police Department and would stop by in a few minutes. I thanked Ortolano and ended my contact with her.

At approximately 1655 hours Sergeant Hudon and I made contact with Ortolano in the front lobby of the Nashua Police Department. Upon making contact with Ortolano I informed her that I had received a complaint from one of the employees in the Nashua Assessing Department about Ortolano confronting them while they walked to their vehicle from City Hall.

Ortolano acknowledged this incident had occurred but explained that she had just happened to see Lynn Cameron (DOB:) and figured she would just ask her a quick question. Ortolano stated that she had not been waiting for Cameron but rather she had just happened to see her. I explained that this employee had not alleged any crimes had occurred during this time but based on what had been going on recently this incident made them very uncomfortable and was concerning to them.

I informed Ortolano as a result of this incident this employee notified her co-workers, who in turn notified me and their supervisor, Kimberly Kleiner (DOB:). I informed Ortolano that after speaking with Kleiner and members of the assessing department they decided that they wanted me to inform Ortolano that all of the current members of the Nashua Assessing Department did not want to have any contact with Ortolano anywhere other than within the Nashua Assessing Department for matters involving Assessing. I informed Ortolano that people that did not wish to have any contact with her outside of their office were Greg Turgiss (DOB:), Gary Turgiss (DOB:), Douglas Dame (DOB:), Michael Mandile (DOB:), Louis Brown (DOB:), Lynn Cameron, Amanda Mazerolle (DOB:), and Kimberly Kleiner.

Upon being told this Ortolano asked me if what I was doing was legal. I informed Ortolano that me informing her that specific people did not want to have any contact with her was legal and was also something that is commonly done by the Nashua Police Department in an attempt to proactively prevent crimes from occurring. I explained to Ortolano now that she had been warned that these specific people did not want to have any contact with her outside of the assessing department there was the potential that if she did have contact with the previously listed individuals that she could face criminal charges depending on the circumstances of this contact. Ortolano said she understood and expressed to me that she did not foresee their being any further issues with this.

Ortolano then began reiterating several of the issues she had previously reported to the Nashua Police Department and multiple other agencies involving her concerns with the Nashua Assessing Department. This transitioned into Ortolano expressing her concerns with the Nashua Police Department's investigation into this incident and her feeling that the Nashua Police Department was not an impartial party. Ortolano then began making accusations that the Nashua Police Department would attempt to cover up any wrong doing by the Nashua Assessing Department or City Hall. Both I and Sergeant Hudon attempted to explain to Ortolano that the Nashua Police Department does not answer to Nashua City Hall or the Nashua Assessing Department. We explained that the Nashua Police Department answers to a board of Police Commissioners that are appointed by the Governor of the State of New Hampshire. Ortolano did not appear satisfied with this answer and informed me that she felt another agency such as the New Hampshire Attorney General's Office should investigate her concerns. I informed Ortolano that I would not have any issue with that however she had already made the Attorney General's office aware of her concerns and it was their decision to make whether or not they became involved in this investigation not the Nashua Police Department's decision.

During my contact with Ortolano she also inquired if she could have copies of the reports from the Nashua Police Department's investigation into the Nashua Assessing Department. I informed Ortolano that the reports would be available through our records department once the investigation was complete and the reports are approved. I further informed Ortolano that I did not have a timeframe to provide her with as to when the investigation would be complete.

Nashua Police Department
2019-09-22 1643HRS WARN LAURIE ORTOLANO
Ref: 19-46336-OF

Prior to ending my conversation with Ortolano I asked if she had anything new to report to me at that time. Ortolano laughed and stated that she had many concerns but nothing new to report at that time. With Ortolano not have any further information to provide me with at that time and with the warning already being delivered to her I ended my contact with Ortolano.

A call number, 19-63773 was generated to document that a warning was given to Ortolano not to have contact with employees of the Nashua Assessing Department during this contact with her. The call notes were later added to this case file for case inclusion.

DETECTIVE LOMBARDI D16

For Date: 09/22/2019 - Sunday

Call Number	Time	Call Reason	Action	Priority	Duplicate
19-63733	1655	Walk-In - DELIVER MESSAGE	MESSAGE DELIVERED 3		
Call Taker: LOMFRA - LOMBARDI, FRANK Location/Address: [NAS 4244] NASHUA POLICE DEPARTMENT - 28 OFFICER JAMES ROCHE DR Party Entered By: 09/22/2019 1756 LOMFRA - LOMBARDI, FRANK Calling Party: ORTOLANO, LAURIE A @ 41 BERKELEY ST - NASHUA, NH 03060 SSN: DOB: Race: W Sex: F ID: LOMFRA - LOMBARDI, FRANK Arvd-16:55:00 Clrd-17:30:00 HUDSCO - HUDON, SCOTT Narrative: 09/22/2019 1756 LOMBARDI, FRANK Modified By: 09/24/2019 1248 LOMBARDI, FRANK Laurie Ortolano was warned not to have any contact with the following members of the Nashua Assessing Department outside of their office. Greg Turgiss Gary Turgiss Douglan Dame Michael Mandile Louise Brown Amanda Mazerolle Lynn Cameron Kimberly Kleiner Cite 19-46336-OF					

Nashua Police Department

2019-09-23 0708HRS EMAIL FROM LAUIRE ORTOLANO

Ref: 19-46336-OF

On September 23, 2019 at approximately 0708 hours I received an email from Laurie Ortolano (DOB: .). In the email Ortolano asks if there will be reports available for the interviews that I conducted with Nashua Assessing Department employees. This was a question that Ortolano had already asked me and I answered on September 22, 2019 during my contact with her in the front lobby of the Nashua Police Department.

I replied to Ortolano's email at approximately 0839 hours by telling he that the reports would not be available until the investigation was complete and the reports were approved. At approximately 0841 hours I received a reply email from Ortolano that said "Thank you." Copies of these emails were later added to this case file for case inclusion.

DETECTIVE LOMBARDI D16

2019-09-23 1047HRS EMAIL FROM LAURIE ORTOLANO

Ref: 19-46336-OF

On September 23, 2019 at approximately 1047 hours Detective Lieutenant Mederos and I received an email from Laurie Ortolano (DOB:). This email was approximately four pages in length and in summary listed her concerns with the Nashua Police Department's investigation into the Nashua Assessing Department. Specifically Ortolano does not feel that the Nashua Police Department will be able to complete "*an informed, objective report*".

In the email Ortolano referenced the conversation I had with her on September 22, 2019 in the front lobby of the Nashua Police Department with Sergeant Hudon present. In reading some of Ortolano's account of our conversation it seemed to confirm what several people that I have previously spoken to about this investigation have reported about Ortolano. Basically that Ortolano makes speculations and insinuates things based on limited information and presents these speculations and insinuations as facts.

One of these speculations is that Ortolano believes that through the limited contact she has had with me that I have "*taken a side with the City without having all the information*". I have never expressed this opinion to Ortolano nor is she aware as to how much information I have received and reviewed in reference to this investigation.

In the email Ortolano also again reiterates her negative feeling towards Nashua Director of Administrative Services Kimberly Kleiner (DOB:), by calling her a "*political hack*".

Ortolano brings up several other topics in this email that include that I had never informed her if any of the Assessing Department employees reported feeling physically threatened by her and that she was displeased with Cheryl Walley (DOB:) being placed on leave from her job at the Nashua Police Department. In reference to never informing Ortolano if the Assessing Department employees reported feeling physically threatened that is just untrue. I specifically informed Ortolano that was not the case and further informed her that none of the Assessing Department had accused her of committing any type of criminal act against them.

It is unclear if Ortolano's mention of this in her email was an intentional lie or if is simply a case of not remembering this part of the conversation. Either way this calls into question Ortolano's previous accounts of other conversations, as I specifically stressed this part of the conversation to her, provided her with examples, and asked if she had any questions about what I had just told her.

Ortolano closed her email by stating that she is disappointed in the Nashua Police Department's investigation and that she will be no longer sending any information to the Nashua Police Department.

Detective Lieutenant Mederos sent a reply email to Ortolano on September 23, 2019 at approximately 1426 hours. In the reply Detective Lieutenant Mederos informed Ortolano that he had received the email and that he forwarded her concerns to his superiors and the Chief's Office. Copies of these emails were later added to this case file for case inclusion.

DETECTIVE LOMBARDI D16

Lehmann Law Office, PLLC

3 North Spring Street, Suite 200
Concord, New Hampshire 03301
(603) 731-5435
rick@nhlawyer.com

January 15, 2020

Det. Frank Lombardi
Nashua Police Department
28 Officer James Roche Drive
P.O. Box 785
Nashua, N.H. 03061-0785

RECEIVED

JAN 16 2020

NASHUA POLICE DEPT.
RECORDS DIVISION

Re: Right to Know Request – Investigation of Laurie Ortolano

Dear Det. Lombardi:

This letter is to follow up on my earlier correspondence dated December 24, 2019. (see attached). You subsequently responded to me via email as follows:

Mr. Lehmann:

As of this time our investigation into the Nashua Assessing Department is still ongoing. Because the investigation is still ongoing none of the reports can be released at this time. Your client has been told on multiple occasions that once the report is complete she will be notified and able to obtain copies of the report from our Records Department.

Earlier this week, my client was notified that the investigation into the assessing department staff was complete and no charges would be brought forward against any employees.

Pursuant to RSA 91-A, the New Hampshire Right to Know Law, I request that you provide me with:

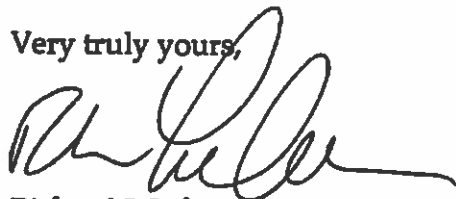
1. A copy of any reports or communications concerning the September 22, 2019, meeting between my client and members of the Nashua Police Department; and
2. A complete copy of the investigative file of any Nashua Police Department activity concerning assessing department employees.

Since the first request is far narrower than the second, I ask that you provide me with the materials identified in the first request as promptly as possible. As the second request is much broader, I ask you to provide me with an estimate as to when I may expect the production of this material to be completed.

Det. Frank Lombardi
January 15, 2020
Page 2 of 2

I thank you for your anticipated prompt response to this Right to Know request. If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard J. Lehmann". The signature is fluid and cursive, with a large initial "R" and "L".

Richard J. Lehmann

Cc: Laurie Ortolano

Lehmann Law Office, PLLC

Three North Spring Street

Suite 200

Concord, N.H. 03301

(603) 731-5435

rick@nhlawyer.com

December 24, 2019

Det. Frank Lombardi
Nashua Police Department
28 Officer James Roche Drive
P.O. Box 785
Nashua, N.H. 03061-0785

Re: Right to Know Request - Investigation of Laurie Ortolano

Dear Det. Lombardi:

I represent Laurie Ortolano. This letter is written to follow up on communications that you had with Ms. Ortolano on September 23, 2019. At that time Ms. Ortolano sent you an email requesting copies of reports related to an investigation of employees of the Nashua tax assessing department. (See Attached). Please accept this letter as confirmation that Ms. Ortolano's email of September 23, 2019, was a request for public records made pursuant to RSA 91-A, the New Hampshire Right-to-Know law.

As you may recall, on September 22, 2019, uniformed officers of the Nashua Police Department traveled to Ms. Ortolano's home at 41 Berkeley Street and issued a verbal warning to Ms. Ortolano. The general effect of the warning was that employees of the assessing department were intimidated and/or threatened by Ms. Ortolano. The officers advised Ms. Ortolano to have no communication with these public officials and advised her to cease appearing at the assessing department office.

Your response to Ms. Ortolano's request was to state that you were, "unable to provide any of that information to [her] at this time as the investigation is ongoing." (Emphasis added). You further indicated that you did not, "have a timeframe as to when the investigation will be complete and the reports will be available." I interpret your refusal to provide access to police department records as an assertion that, "disclosure of the requested information could interfere with an ongoing investigation or enforcement proceedings." See, *Murray v. N.H. Div. of State Police*, 154 N.H. 579, 585 (2006).

Det. Frank Lombardi
December 24, 2019
Page 2 of 2

If the investigation is now complete, I ask that you send me a copy of the complete investigative file. If you withhold or redact any portion of the completed file, I ask that you identify any such parts that you have withheld.

If the investigation is not yet complete, I ask that you confirm that you will not be providing me with a copy of, or access to, any portion of the investigative materials. In particular, I am requesting a copy of the following:

1. Police reports written by the officers who went to Ms. Ortolano's residence at 41 Berkeley Street on September 22, 2019; and
2. Statements made about Ms. Ortolano by any member of the Nashua assessing department.

If the investigation is not yet complete, and if you intend to maintain that the records will continue to not be disclosed because the investigation remains ongoing, I ask that you inform me of your position promptly.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Richard J. Lehmann

Cc: Laurie Ortolano